

APPEAL NO. 012149
FILED OCTOBER 16, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 15, 2001. The hearing officer determined that the claimant did not sustain a compensable specific incident injury on _____. The appellant (claimant) has appealed on sufficiency of the evidence grounds and points out that he was not advised of the consequences of choosing to allege a specific injury as opposed to a repetitive trauma injury. The respondent (carrier) replied, and urges affirmance.

DECISION

Reversed and remanded.

This case is remanded for the purpose of obtaining compliance with HB2600, which amended Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the [CCH].

In this case, the address provided for the registered agent was a post office box, where personal service of process cannot be effectuated. Therefore, we remand so that a street address may be provided by the self-insured for its registered agent for service of process, in order to carry out the purpose of the legislation. In addition, we note that the case is styled VALIANT INSURANCE COMPANY, but that the information submitted at the CCH represented that the true corporate name of the insurance carrier is ZURICH NORTH AMERICA. This matter needs to be clarified on remand.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings,

pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code in the computation of the 15-day appeal and response periods.

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge